GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

ENDOWMENTS DEPARTMENT – The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 – Amendment – Final Notification – Orders - Issued.

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2. In Rule 6 of the said rules, immediately after completion of sub Rule 2, the following proviso shall be **added** to Rule 6, namely:

Provided that no land belonging to a Hindu temple or Math can be alienated to anyone on a permanent basis.

3. In Rule 7 of the said Rules, Sub-Rule (1) shall be **substituted** as follows :

7 (1): (a) All leases shall be by way of Tender-cum-Public Auction on Annual Advance Rental basis and the rent shall be fixed in Cash only.

(b) The executive authority shall conduct Tender – cum – Public Auction compulsorily three months before expiry of existing lease period. The executive authority shall also issue a public notice of ten days to that effect, duly mentioning the upset price fixed basing on prevailing rents in the vicinity.

(c) The Executive Authority is duty bound to take action in all such cases without taking cover under the pretext of awaiting orders from higher authorities.

4. In Rule 7 of the said Rules, Sub-Rule (2) shall be **substituted** as follows :

(2) Tenders received, if any, shall be opened before the public at the place of auction after the Public Auction is over. The highest amount offered in tenders or Public Auction, as the case may be, shall be taken in to consideration for the purpose of finalizing the highest bidder.

5. In Rule 9 of the said Rules, clause (d) shall be **substituted** as follows :

(d): No person professing other than Hinduism as his religion is entitled to obtain lease either through tender – cum – public auction or otherwise.

6. In clause **(f)** of Rule 9 of the said rules**,** immediately after the completion of the words "**so as to recognize them as lessees**", the following words shall be **added** namely:-

'for the balance period'

7. In clause (**g)** of Rule 9 of the said Rules, immediately after the words '**Rules are violated**' the following words shall be **added**:

Thereafter the executive authorities shall issue a fifteen days notice to the violator for compliance of the lease conditions. If the lessee fails to comply with the conditions of lease or becomes a defaulter, and fails to hand over possession, the tenant shall compulsorily be evicted by the executive authority with the assistance of Police invoking the provisions of section 84 and 86 of the Act treating him as an encroacher in the order passed under section 83(4) or 85(1) of the Act, apart from initiating other actions specified in these Rules. The executive
authority is duty bound to take action in all such cases without taking cover under the pretext of awaiting orders from higher authorities.

(…3.)

8. Immediately after clause (g) of Rule 9 of the said Rules, a new clause (h) shall be **added** namely:

(h): Notwithstanding anything in these Rules and other rules for the time being in force –

(i) the executive authority or any other endowment authority shall simultaneously file a police report or a complaint to the Judicial Magistrate of First Class or Metropolitan Magistrate having jurisdiction over the institution or property and prosecute the encroacher for criminal trespass as the encroachment of endowment institutions property is an offence against the Society. On bringing to the knowledge of the police or Court about the encroachment of any temple or Endowment institutions property, the same shall be taken cognizance of as a warrant case. The offence of encroachment of temple or any Endowment institution property is cognizable, non bailable and non compoundable.

(ii) the arrears or loss caused by the encroacher or defaulter shall be recovered simultaneously as arrears of land revenue by the Assistant Commissioner of the district or any other senior endowment official, in exceptional circumstances, as per the provisions of Andhra Pradesh Revenue Recovery Act, 1864.

(iii) (I) after exhausting the above remedy mentioned in sub-Rule (g) above, if the executive authority fails to remove the encroachment despite best efforts for any convincing reason, then the Executive Officer or Trustee or the Chairman or the Assistant Commissioner of the district shall report the fact together with relevant particulars to the Judicial Magistrate of First Class or Metropolitan Magistrate having jurisdiction over the institution or property. Such Magistrate shall dispose off the complaint or petition with in a period of thirty days, with a direction to the Station House Officer having jurisdiction over the property, after notice and summary enquiry, to evict and cause deliver the property or record etc., to the temple or endowment institution concerned.

(II) where such Magistrate in the summary enquiry holds that, there is a bonafide title dispute and requires to be adjudicated by trial or enquiry, rather summary eviction, either the person claiming title or the executive authority, as the case may be, can maintain an original application before the Endowments Tribunal to decide any such dispute, question or the matter. For the purpose of determining such dispute, no Civil Court has jurisdiction.

10. In Rule 17 of the said rules, the entire Rule along with title shall be **substituted** as follows, namely-

17. Security, etc., : In the case of all leases, Annual Advance Rent has to be collected immediately after the Tender – cum – Public Auction is over, without waiting for the orders of the competent authority. If the lease period is for more than one year, the succeeding year's Annual Advance Rent shall be collected one month before the commencement of succeeding lease year. If the tenant fails to pay Annual Advance Rent, the earnest money and part payment if any made shall be forfeited in favour of the endowment institution automatically and fresh lease through Tender – cum – Public Auction shall be conducted by the executive authorities immediately without waiting for the orders of the higher authorities. The executive authority may issue a fifteen days notice about the concerned violation.

(p.t.o.)

11. In Rule 19 of the said rules, the entire Rule 19 along with title shall be **substituted** as follows, namely-

19. Validity of Lease/Occupation and Consequences :

Notwithstanding anything contained in these Rules and in any other Rules , –

(i) any judgment, compromise, scheme, any lease granted, continued or allowed to be continued otherwise than in accordance with these Rules and all unauthorized occupations with whatever nomenclature they may, shall be null and void. The executive authority shall issue fifteen days notice to the illegal occupier with a demand to vacate and hand over possession of the property. If he fails to hand over the same, he shall compulsorily be evicted with

the assistance of Police invoking the provisions under section 84 and 86 of the Act treating him as an encroacher in the order passed under section 83 (4) or 85 (1) of the Act, apart from initiating actions simultaneously under sub-Rule (h) above without fail. The executive authority is duty bound to take action in all such cases without taking cover under the pretext of awaiting orders from higher authorities.

(ii) whenever there is a threat or attempt of encroachment by any unauthorized person, the same shall be stopped or prevented by the executive authorities by taking such measures under the Right of Private Defense as described in Indian Penal Code. In all such cases, the material including any movables, vehicles, etc., used for such encroachment shall be seized by the executive authorities in favour of the temple or endowment institution without any notice, apart from initiating actions simultaneously under Rule 9 (h) without fail. The offense of threat or attempt of encroachment of any temple or endowment institution property is cognizable, non bailable and non compoundable.

12. Immediately after Rule 20 of the said Rules, the following new Rule 21 shall be **added** namely:-

21.Residue: If any of these Rules, if lying inconsistent with the provisions of the Act, being amended from time to time, will not over ride but will only be supplemental to the Act. For that purpose, the Rule shall be ignored as if non est to that extent.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.S.V.PRASAD
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner, Endowments Department, Andhra Pradesh, Hyderabad.
The Commissioner, Printing, Stationary and Stores Purchase,
Hyderabad (For Publishing the notification in the next issue of
A.P. Gazette. He is requested to supply 50 copies to Government and 50 copies to the Commissioner, Endowments, Andhra Pradesh.
Hyderabad).
Copy to:
The P.S. to Minister (Endowments).
The Revenue (Endts.II, III) Department.
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER